

### **REMARKS**

This is in response to the Office Action mailed December 10, 2007. Claims 7-11 have been amended. New claims 13 and 14 are added. Claims 7-14 remain pending. No new matter has been added. Support for the claim amendment can be found throughout the specification, drawings and claims for example at Figure 4 (see base element 2, end wall 3, pivot lever 5 and, squeeze hose bend 14, squeeze hose carrier 16, and coupling projections 15 forming the squeeze hose cartridge). Applicants note that MPEP §2163.01 does not require verbatim support in the specification.

### **Oath/Declaration**

The Office Action states that the oath or declaration is defective because it uses the phrase “the patentability” instead of just “patentability.” Applicants respectfully traverse this rejection of the oath or declaration.

Applicants respectfully request clarification on the legal significance of including the word “the”. “Patentability” and “the patentability” are used interchangeably in 37 CFR § 1.56. In fact, “the patentability” is used at least twice in that section. Since 37 CFR § 1.56 appears to use the two phrases interchangeably, Applicants assume that both phrases meet the requirements of the section and therefore are not going to be submitting a new oath or declaration unless the Office can further explain the legal significance of “patentability” versus “the patentability.” Applicants are attaching a wikipedia webpage discussing the use of the word “the” before singular and plural nouns (patentability is a noun). Accordingly, Applicants request that the Office reconsider the oath or declaration and note the sufficiency of the original oath or declaration in the next communication.

**Rejections Under 35 U.S.C. § 112 Second Paragraph**

The Office Action has rejected claim 9 under 35 USC § 112, second paragraph because there is insufficient antecedent basis for the limitation “the guides.” Applicants respectfully traverse this rejection. Claim 9 has been amended and Applicants believe that there is proper antecedent basis. Accordingly, Applicants respectfully request that this rejection be withdrawn.

**Rejections Under 35 U.S.C. §102 and § 103(a)**

The Office Action has rejected the claims over multiple prior art references. Applicants have amended the claims to describe the invention in greater detail including the features of a squeeze hose cartridge that communicates with a sliding guide in an end wall. Applicants believe that this element as well as others are missing from the prior art of record and respectfully request that the claims be reconsidered.

*Lamadrid (U.S. Pat. No. 4,256,442)* and *Lamadrid (U.S. Pat. No. 4,256,442)* in view of *Leveen (U.S. Pat. No. 4,813,855)*. The Office Action rejected claims 7, 8, and 12 under 35 U.S.C. § 102(b) as being anticipated by *Lamadrid* and claim 9 under 35 U.S.C. § 103(a) as being unpatentable over *Lamadrid* in view of *Leveen*. Applicants respectfully traverse these rejections. *Lamadrid* is designed to allow easy access to the interior portion of the pump (see column 2, lines 32-35) by moving the pressure plate away from a closed position (see column 4, lines 63-68). But, *Lamadrid* does not teach a replaceable cartridge. And *Leveen* does not overcome the shortcomings of *Lamadrid*. Accordingly, applicants respectfully request that the § 102(b) rejections over *Lamadrid* and the § 103(a) rejections over *Lamadrid* in view of *Leveen* be withdrawn.

*Lamadrid* in view of *Becker (US 4,558,996)*. The Office Action has rejected claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over *Lamadrid* in view of *Becker*.

Applicants respectfully traverse this rejection. Lamadrid does not teach the claims as amended for the reasons discussed above. Becker does not remedy the shortcomings of Lamadrid because Applicants do not see where Becker teaches a replaceable squeeze hose cartridge. Accordingly, Applicants respectfully request that this rejection be withdrawn.

#### **Prior Art of Record**

Applicants do not agree with the characterization of the Hankinson or Jess references as pertinent to Applicant's disclosure. Additionally, the Office Action states in a paragraph at the end of the Office Action that comments must be submitted no later than the payment of the issue fee and be labeled as "comments on statement of reasons for allowance." Applicants are assuming that this is a form paragraph that was mistakenly added to the Office Action response because no claims have been allowed.

#### **Summary**

It is respectfully submitted that each of the pending claims is in condition for allowance, and notification to that effect is kindly requested. The Examiner is invited to contact the Applicants' primary attorney-of-record, Anneliese S. Mayer, at (651) 795-5661, if it is believed that prosecution of this application may be assisted thereby.



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